

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

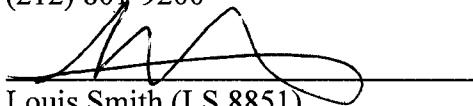
AMERICAN EXPRESS PUBLISHING CORPORATION,) Civil Action No. 08 cv 3396 (WHP)
Plaintiff,)
v.)
REQUEST TO ENTER DEFAULT
CSMJ, INC.) OF DEFENDANT CSMJ, INC.
Defendant.)
)

TO: J. MICHAEL MCMAHON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Please enter the default of defendant CSMJ, Inc. pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend the above-captioned action as fully appears from the court file herein and from the attached declaration of Louis Smith, Esq.

Dated: May 5, 2008

GREENBERG TRAURIG, LLP
MetLife Building
200 Park Avenue
New York, New York 10166
(212) 801-9200



Louis Smith (LS 8851)
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

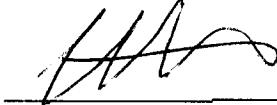
AMERICAN EXPRESS PUBLISHING)	
CORPORATION,)	Civil Action No. 08 cv 3396 (WHP)
)	
)	
Plaintiff,)	
)	
v.)	
)	
CSMJ, INC.)	DECLARATION IN SUPPORT OF
)	REQUEST FOR DEFAULT OF
)	DEFENDANT CSMJ, INC.
Defendant.)	
)	

LOUIS SMITH hereby declares under penalty of perjury as follows:

1. I am a shareholder with Greenberg Traurig, LLP, counsel for plaintiff American Express Publishing Corporation in the above-captioned matter. I have personal knowledge of the facts set forth herein.
2. This action was commenced with the filing of the Complaint on April 7, 2008.
3. Per the proof of service, a copy of which is attached hereto as Exhibit A and which was previously filed on April 17, 2008, defendant CSMJ, Inc. was served on April 9, 2008, by delivering the summons and complaint in this matter to defendant's agent who is authorized to accept service of process.
4. The time within which CSMJ, Inc. may answer or otherwise move with respect to the complaint herein has expired; said defendant has not answered or otherwise moved with respect to the complaint, and the time for defendant to do so has not been extended.
5. To the best of my knowledge, information and belief, said defendant is not an infant or incompetent and is not presently in the military service of the United States.

6. Wherefore, plaintiff American Express Publishing Corporation requests that the default of defendant CSMJ, Inc. be noted and entered upon the docket.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.



LOUIS SMITH

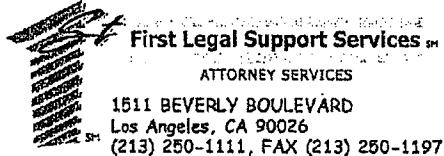
Dated: May 5, 2008

EXHIBIT “A”

<p><i>Attorney or Party without Attorney:</i> LOUIS SMITH, Bar #LS8851 GREENBERG TRAURIG LLP 200 PARK AVENUE METLIFE BUILDING NEW YORK, NY 10166 Telephone No: 212-801-9200 FAX No: 212-801-6400 </p>		<i>For Court Use Only</i>			
<p><i>Attorney for:</i> Plaintiff</p>		<p><i>Ref. No. or File No.:</i></p>			
<p><i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Southern District Of New York</p>					
<p><i>Plaintiff:</i> AMERICAN EXPRESS PUBLISHING CORPORATION</p>					
<p><i>Defendant:</i> CSMJ, INC.</p>					
<p>PROOF OF SERVICE SUMMS IN CIV. ACTION</p>		<p><i>Hearing Date:</i></p>	<p><i>Time:</i></p>	<p><i>Dept/Div:</i></p>	<p><i>Case Number:</i></p>
					08CV3396

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS IN A CIVIL ACTION; COMPLAINT; CIVIL COVER SHEET; RULE 7.1 DISCLOSURE STATEMENT
3. a. *Party served:* CSMJ, INC.
 b. *Person served:* BRIAN FARROW, AUTHORIZED TO ACCEPT SERVICE. SERVED UNDER F.R.C.P. RULE 4.
4. *Address where the party was served:* 4225 EXECUTIVE SQUARE
#280
LA JOLLA, CA 92037
5. *I served the party:*
 - a. *by personal service.* I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Wed., Apr. 09, 2008 (2) at: 3:54PM

7. *Person Who Served Papers:* Recoverable Cost Per CCP 1033.5(a)(4)(B)
- a. MARQUES COMPTON



d. *The Fee for Service was:*

e. I am: (3) registered California process server

- Independent Contractor
- Registration No.: 1405
- County: San Diego

8. *I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.*

Date: Thu, Apr. 10, 2008

ORIGINAL

SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

American Express Publishing Corporation

V.

SUMMONS IN A CIVIL ACTION

CSMJ, Inc.

CASE NUMBER:

08 CV 3396

TO: (Name and address of Defendant)

CSMJ, Inc.
Brian E. Farrow -- Agent for service of Process
4275 Executive Square, STE 800
La Jolla, CA 92037

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Louis Smith
Greenberg Traurig, LLP
200 Park Avenue
New York, NY 10166

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

APR 07 2008

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify): 		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____ Date _____ <i>Signature of Server</i> <hr/> <i>Address of Server</i>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN EXPRESS PUBLISHING)	
CORPORATION,)	Civil Action No. 08 cv 3396 (WHP)
)	
)	
Plaintiff,)	
)	
v.)	
)	
CSMJ, INC.)	CLERK'S CERTIFICATE OF
)	DEFAULT OF CSMJ, INC.
)	
Defendant.)	
)	

I, J. Michael McMahon, Clerk of Court of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on April 7, 2008 with the filing of a summons and complaint; a copy of the summons and complaint were served on CSMJ, Inc. on April 9, 2008, by personally delivering those documents to Brian Farrow, who is authorized to accept service for CSMJ, Inc.; and that plaintiff filed a proof of service on April 17, 2008.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of defendant CSMJ, Inc. is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: New York, New York

May 5, 2008

J. MICHAEL MCMAHON

Clerk of Court

By:

[Signature]
Deputy Clerk